



MOTION SHEET

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: August 18, 2020

RE: Cummings Subdivision Alley Vacation
PLNPCM2019-00813

This is the second scheduled public hearing for this petition. The Council may consider taking action tonight.

MOTION 1 (close and defer)

I move that the Council close the public hearing and defer action to a future Council meeting.

MOTION 2 (continue hearing)

I move that the Council continue the public hearing to a future Council meeting.

MOTION 3 (close and adopt)

I move that the Council close the public hearing and adopt the ordinance.

MOTION 4 (close and reject)

I move that the Council close the public hearing and reject the ordinance.





COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: August 18, 2020

RE: Cummings Subdivision Alley Vacation
PLNPCM2019-00813

Item Schedule:

Briefing: July 7, 2020

Set Date: July 14, 2020

Public Hearing #1: August 11, 2020

Public Hearing #2: August 18, 2020

Potential Action: August 18, 2020

PUBLIC HEARING #1 SUMMARY

Two people spoke at public hearing #1 expressing support for closing the alley.

Note-Council Member Mano asked about a development agreement for this alley segment to ensure the alley property area remains a public gathering area within the proposed development. Staff checked with the Attorney's Office about this, but has not received an answer about how that might be accomplished. The Council could elect to close the public hearing and defer action or continue the public hearing to a future meeting if it is interested in learning more about a development agreement for this alley segment.

The following information was provided for the August 11 public hearing. It is provided again for background purposes.

WORK SESSION SUMMARY

During its July 7 work session the Council expressed general support for the alley vacation citing use of the alley property for a public gathering space as an innovative way to activate the area.



A question was raised about tying the alley vacation to the development being built as presented. A development agreement was discussed to ensure the City would benefit from vacating an alley. This would protect the City if plans changed and a less desirable development was built after the alley was vacated. The concern was more general rather than for this specific project. Staff contacted the Attorney's Office and they are looking at how this might work. Staff will report back to the Council when a response is received from the Attorney's Office.

The following information was provided for the July 7 work session. It is provided again for background purposes.

ISSUE AT-A-GLANCE

The Council will be briefed about a proposal to vacate a small segment of City-owned alley known as the Cumming's Subdivision Alley located between 900 South and Genesee Avenue and between 700 West and 800 West in City Council District Two as shown in the image below. This alley segment measures approximately 15 feet by 32 feet (~480 square feet) and abuts another alley segment vacated by the City Council in 1993. The applicant, West End LLC, owns all three adjacent parcels and is requesting this closure as part of a mixed-use development which was recently approved to receive RDA funding to redevelop the site.

The Planning Commission sent a unanimous positive recommendation to vacate the alley to the City Council.

If the Council approves the alley closure the property will be sold to the applicant at fair market value.



*Aerial view with the subject alley highlighted in yellow. Alley segment in red was vacated in 1993.
Adjacent alley segments in purple are not affected by this proposed closure.
Shaded parcels are all owned by the applicant.*

Goal of the briefing: *To review the proposed alley closure, address questions Council Members may have and prepare for a public hearing.*

POLICY QUESTION

1. Does the Council agree with the Planning Commission's recommendation on this alley closure request?

ADDITIONAL INFORMATION

Alley vacation requests receive three phases of review, as outlined in section 14.52.030 *Salt Lake City Code* (see pages 5 - 6 below). Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the Planning Commission; and a public hearing before the City Council.

The Planning Commission staff report provides information relating to the following key issue associated with this alley vacation. A short description is provided below for reference. Please see page 17 of the Administration's transmittal for full analysis of this issue.

Public Utility Easement

A sewer main located in the alley runs between 700 and 800 West. If the alley is vacated an easement will be required for Public Utilities access the sewer main. The Planning Commission included this easement as a condition in its positive recommendation to the Council.

Attachment E of the Administration's transmittal (pages 30 - 31) is an analysis of factors City Code requires the Planning Commission to consider for alley vacations (Section 14.52.030 B *Salt Lake City Code*). In addition to the information above, the other factors are summarized below. For the complete analysis, please refer to the transmittal.

- **City Code required analysis:** The City Police Department, Fire Department, Transportation Division and all other relevant City departments and divisions have no reasonable objection to the proposed disposition of the property.

Finding: *Complies with condition.* City Public Utilities noted there is a sewer main in the alley right of way. This issue is addressed through a Public Utilities easement allowing access to service the sewer main. The applicant agreed to an easement.

- **City Code required analysis:** The petition meets at least one of the policy considerations for closure, vacation or abandonment of City owned alleys (Lack of Use, Public Safety, Urban Design, Community Purpose).

Finding: *Complies.* Planning staff determined the proposed alley closure satisfies the Urban Design policy consideration for the petition to be processed.

- **City Code required analysis:** Granting the petition must not deny sole access or required off-street parking to any adjacent property.

Finding: *Complies.* The only parcel abutting the alley is owned by the applicant. Vacating the subject alley will not eliminate access to the property as the the adjacent north-south alley is not part of this application and will remain, providing access.

- **City Code required analysis:** The petition will not result in any property being landlocked.

Finding: *Complies.* No properties would be landlocked as a result of the alley vacation.

- **City Code required analysis:** The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.

Finding: *Complies.* The proposed alley vacation does not create an obstacle to plans for this block. Furthermore, the applicant expressed an intent to provide a mid-block walkway through their proposed development using land they own. It is their opinion closing this small alley segment would help facilitate the walkway making it more pedestrian friendly.

- **City Code required analysis:** No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit.

Finding: *Complies.* Abutting properties affected by this proposed alley vacation are owned by the applicant.

- **City Code required analysis:** The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it.

Finding: *Complies.* This application is to close the remaining portion of a previously vacated alley segment.

- **City Code required analysis:** The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

Finding: *Complies.* The alley is not necessary for access.

PUBLIC PROCESS

Surrounding property owners received early notice of the proposed alley vacation September 24, 2019. Planning staff received one comment from a neighbor who was supportive of the vacation.

Notice of the project and a request for comments were sent to the Poplar Grove and Glendale Community Council Chairs. The community council chairs did not request to hear the petition at either of their meetings.

Public notice for an open house was mailed to property owners and residents October 4, 2019. Planning staff held an open house October 17, 2019. No public comments were received at the open house.

A Planning Commission public hearing notice was mailed to property owners within 300 feet of the alley November 22, 2019.

The Planning Commission held a public hearing at its December 11, 2019 meeting. No one spoke at the hearing. The Planning Commission voted unanimously to send a favorable recommendation to the City Council.

ALLEY DISPOSITION PROCESS

In order for the City to dispose of its interest in an alley, it must be demonstrated at least one of the following criteria is satisfied:

- A. **Lack of Use**-it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.

- B. **Public Safety**-existence of the alley substantially contributes to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- C. **Urban Design**-Continuation of the alley does not serve as a positive urban design element.
- D. **Community Purpose**-Petitioners propose to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

The applicant cited Urban Design as consideration for the alley closure. Planning staff found the proposed alley closure complies with this consideration. Planning noted the only use for this alley segment is to access the rear portion of 739 West Genesee Avenue. Vacating the alley will not prohibit access to this parcel or to service the sewer main if an easement is recorded. It is Planning's opinion vacating the alley segment will not negatively impact the area, but will facilitate future redevelopment of the site.

The process for closing or vacating a City-owned alley is outlined in Section 14.52 *Salt Lake City Code*.

14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:

The city supports the legal disposition of Salt Lake City's real property interests, in whole or in part, with regard to city owned alleys, subject to the substantive and procedural requirements set forth herein.

14.52.020: POLICY CONSIDERATIONS FOR CLOSURE, VACATION OR ABANDONMENT OF CITY OWNED ALLEYS:

The city will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. **Lack Of Use:** The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an onsite inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;
- B. **Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
- C. **Urban Design:** The continuation of the alley does not serve as a positive urban design element;
or
- D. **Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden. (Ord. 24-02 § 1, 2002)

14.52.030: PROCESSING PETITIONS:

There will be three (3) phases for processing petitions to dispose of city owned alleys under this section. Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the Planning Commission; and a public hearing before the City Council.

- A. **Administrative Determination Of Completeness:** The city administration will determine whether or not the petition is complete according to the following requirements:
 - 1. The petition must bear the signatures of no less than seventy five percent (75%) of the neighbors owning property which abuts the subject alley property;
 - 2. The petition must identify which policy considerations discussed above support the petition;

3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;
 4. A signed statement that the applicant has met with and explained the proposal to the appropriate community organization entitled to receive notice pursuant to title 2, chapter 2.60 of this code; and
 5. The appropriate city processing fee shown on the Salt Lake City consolidated fee schedule has been paid.
- B. Public Hearing and Recommendation From The Planning Commission: Upon receipt of a complete petition, a public hearing shall be scheduled before the planning commission to consider the proposed disposition of the city owned alley property. Following the conclusion of the public hearing, the planning commission shall make a report and recommendation to the city council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:
1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;
 2. The petition meets at least one of the policy considerations stated above;
 3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;
 4. Granting the petition will not result in any property being landlocked;
 5. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the city, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;
 6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within twelve (12) months of issuance of the building permit;
 7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and
 8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.
- C. Public Hearing Before The City Council: Upon receipt of the report and recommendation from the planning commission, the city council will consider the proposed petition for disposition of the subject alley property. After a public hearing to consider the matter, the city council will make a decision on the proposed petition based upon the factors identified above. (Ord. 58-13, 2013; Ord. 24-11, 2011)

14.52.040: METHOD OF DISPOSITION:

If the city council grants the petition, the city owned alley property will be disposed of as follows:

- A. Low Density Residential Areas: If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "low density residential use" shall mean properties which are zoned for single-family, duplex or twin home residential uses.
- B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the city of the fair market value of that alley property, based upon the value added to the abutting properties.
- C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)

14.52.050: PETITION FOR REVIEW:

Any party aggrieved by the decision of the city council as to the disposition of city owned alley property may file a petition for review of that decision within thirty (30) days after the city council's decision becomes final, in the 3rd district court.

Erin Mendenhall
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS

Marcia L. White
Director

CITY COUNCIL TRANSMITTAL

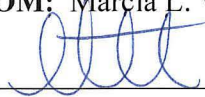

Rachel Otto, Chief of Staff

Date Received: 3.4.2020
Date sent to Council: 3.9.2020

TO: Salt Lake City Council
Chris Warton, Chair

DATE:

FROM: Marcia L. White, Director Department of Community & Neighborhoods


SUBJECT: PLNPCM2019-00813 – Cumming's Subdivision Alley Vacation

STAFF CONTACT: Nannette Larsen, Principal Planner, nannette.larsen@slcgov.com
801-535-7645

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council follow the recommendations of the Planning Commission to approve the alley vacation in the Cumming's Subdivision with the condition that a public utility easement is recorded with the County at the time the alley is deeded to the surrounding property owners.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: In August 2019 a representative with West End LLC initiated a petition to partially vacate an alley in the Cumming's Subdivision. West End LLC owns all of the surrounding properties and is proposing to close the alley in order to redevelop the large site owned by West End LLC, the project was recently approved to receive RDA funding in order to redevelop the site for a mixed-use development.

The partial alley is located near the address of 740 West 900 South, runs mid-block, east/west, and was previously partially vacated in 1993 through Ordinance 93, as indicated by *figure 1*. The remaining portion of the alley includes approximately 480 square feet and was not previously included in the alley vacation. The Planning Commission heard the petition on December 11th, 2019 and forwarded a positive recommendation to City Council to vacate the alley. Presently the alley remains vacant and unused, the resulting impact of closing this section of alley will be

minimal as it will not impact vehicle or property access to property owners to the west of the proposed alley vacation.



Figure 1: Alley Vacation Location and Property Ownership

PUBLIC PROCESS: The surrounding property owners within 300' received an early notification on September 24th 2019. Staff received one comment from a neighbor who was in favor of the alley vacation.

Information concerning this petition was sent to the chairs of the Poplar Grove and Glendale Community Councils. The chairs of these Community Councils did not elect to hear the petition at a Community Council meeting.

Public Notification for an open house was mailed to property owners and residents on October 4th, 2019. The open house was held at the Salt Lake City Library on October 17th 2019. No public comments were submitted during this open house.

A public notification for the Planning Commission hearing was mailed November 22nd 2019 to all neighbors within 300' of proposed alley vacation.

The petition was heard by the Planning Commission on December 11th. There were no public comments heard from the public during the Planning Commission public hearing. The Planning

Commission forwarded a positive recommendation to the City Council regarding this proposed alley vacation.

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Hearing
- 3) Planning Commission Record
 - a) Original Notice and Post Mark
 - b) Planning Commission Staff Report of December 11, 2019
 - c) Planning Commission Agenda and Minutes of December 11, 2019
- 4) Petition Submitted by Applicant
- 5) Mailing List

SALT LAKE CITY ORDINANCE

No. _____ of 2020

(Vacating a city-owned alley situated adjacent to properties located at 740 West 900 South, 730 West 900 South, 733 West Genesee Avenue, and 739 West Genesee Avenue)

An ordinance vacating an unnamed city-owned alley adjacent to properties located at 740 West 900 South, 730 West 900 South, 733 West Genesee Avenue, and 739 West Genesee Avenue, pursuant to Petition No. PLNPCM2019-00813.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on December 11, 2019 to consider a request made by Maximillian Coreth (“Applicant”) (Petition No. PLNPCM2019-00813) on behalf himself and other property owners to vacate an unnamed city-owned alley adjacent to properties located at 740 West 900 South, 730 West 900 South, 733 West Genesee Avenue, and 739 West Genesee Avenue; and

WHEREAS, at its December 11, 2019 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that the city’s interest in the city-owned alley described below is not presently necessary for use by the public and that vacating that unnamed, city-owned alley will not be adverse to the general public’s interest.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Vacating a City-Owned Alley. That an unnamed, city-owned alley adjacent to properties located at 740 West 900 South, 730 West 900 South, 733 West Genesee Avenue, and 739 West Genesee Avenue, which is the subject of Petition No. PLNPCM2019-00813, and which is more particularly described on Exhibit “A” attached hereto, hereby is vacated and declared not presently necessary or available for public use.

SECTION 2. Reservations and Disclaimers. The above alley vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the city's water and sewer facilities. Said alley vacation is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Conditions. This proposed alley vacation is conditioned upon the following:

- 1) A public utility easement is submitted and recorded with Salt Lake County at the time the alley is deeded to the surrounding property owners.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until the condition identified above has been met as certified by the city's planning director or the planning director's designee.

SECTION 5. Time. If the conditions identified above have not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the condition(s) identified above.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2020.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.
Published: _____.

Ordinance vacating alley 740 W 900 S

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____

Paul C. Nielson, Senior City Attorney

EXHIBIT "A"

A PORTION OF THE 15.00 FOOT ALLEY LOCATED IN BLOCK 2, CUMMINGS SUBDIVISION, AS RECORDED IN BOOK "B" OF PLATS AT PAGE 53 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID PORTION BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13 OF SAID BLOCK 2, AND RUNNING THENCE NORTH $89^{\circ}56'22''$ EAST ALONG THE NORTH LINE OF SAID LOT 13 AND ALONG THE NORTH LINE OF LOT 12 OF SAID BLOCK 2 A DISTANCE OF 32.04 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 12; THENCE NORTH $0^{\circ}01'41''$ WEST 15.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 41 OF SAID BLOCK 2; THENCE SOUTH $89^{\circ}56'22''$ WEST ALONG THE SOUTH LINE OF SAID LOT 41 AND THE SOUTH LINE OF LOT 40 OF SAID BLOCK 2 A DISTANCE OF 32.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 40; THENCE SOUTH $0^{\circ}03'47''$ EAST 15.00 FEET TO THE POINT OF BEGINNING

CONTAINS 481 SQ. FT.

1. PROJECT CHRONOLOGY

Cumming's Subdivision Alley Vacation
 Project Chronology
 Located at approximately 740 W 900 S
 PLNPCM2019-00813

August 29, 2019	Alley Vacation or Closure application received by the City.
September 12, 2019	Petition assigned to and received by Nannette Larsen
September 16, 2019	Application deemed complete and forwarded project review to applicable City departments.
September 24, 2019	Early Notification sent to neighbors located within 300' of alley
September 24, 2019	The Poplar Grove and Glendale Community Council chairs notified of the petition and forwarded information.
October 4, 2019	Mailer noticing public open house sent out.
October 10, 2019	Received only public comment for Alley Vacation in favor of the vacation as long as it doesn't interfere with access or parking.
October 16, 2019	Fact sheet of the submitted application and proposed alley vacation for the open house is posted online.
October 17, 2019	Held open house for the public at the Salt Lake City Library
	Public notification mailed to property owners and residents within 300' of the subject alley
November 22, 2019	Notice for Planning Commission Hearing mailed to property owners and residents within 300' of the subject alley
December 2, 2019	Notice of Planning Commission Hearing posted at the property
December 11, 2019	Planning Commission Public Hearing. Planning Commission recommended approval to the City Council for the alley vacation with one condition of approval.

2. NOTICE OF COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2019-00813 Cumming's Subdivision Alley Vacation** – Maximilian Coreth, a manager of West End LLC, is requesting Salt Lake City to vacate the alley adjacent to the properties owned by West End LLC, located at 740 West 900 South, 730 West 900 South, 739 Genesee Avenue, and 733 Genesee Avenue. The alley was partially vacated in 1993; the current petition is proposing Salt Lake City vacate the remaining midblock portion of the alley. The property is located within Council District 2, represented by Andrew Johnston. (Staff contact: Nannette Larsen at (801)535-7645 or nannette.larsen@slcgov.com) Case number: PLNPCM2019-00813

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Nannette Larsen at 801-535-7645 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at nannette.larsen@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

3. **PLANNING COMMISSION**
 - a. **Original Notice and Postmark**



SALT LAKE CITY PLANNING DIVISION
451 S STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY UT 84114-5480

FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES
ZIP 84116 \$ 000.50⁰
02 1W
0001403342 NOV 22 2019

STATE MAIL 11/26/2019

Salt Lake City Planning Division Nannette Larsen
PO BOX 145480
Salt Lake City, UT 84114

8411435480 8500



Salt Lake City Planning Division
451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

**Salt Lake City Planning Commission Wednesday, December 11, 2019, 5:30 p.m.
City and County Building 451 S State Street, Room 326**

A public hearing will be held on the following matter. Comments from the Applicant, City Staff and the public will be taken.

Alley Vacation at approximately 740 West 900 South - A request by West End LLC, the applicant and surrounding property owner, for an alley vacation or closure. The alley is located near the address of 740 West 900 South, runs mid-block, east/west, and was previously partially vacated in 1993. The subject alley is surrounded by the M-1 (Light Manufacturing) zoning district and is located within Council District #2, represented by Andrew Johnston. (Staff Contact: Nannette Larsen at (801) 535-7645 or nannette.larsen@slcgov.com) **Case number PLNPCM2019-00813**

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For additional meeting information, please see www.slcgov.com or call 801-535-7757; TDD 535-6220.

3. PLANNING COMMISSION
B. Staff Report
December 11, 2019



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Nannette Larsen, 801-535-7645

Date: December 11, 2019

Re: PLNPCM2019-00813 – Alley Vacation at approximately 740 West 900 South

ALLEY VACATION

PROPERTY ADDRESS: Approximately 740 West 900 South
PARCEL ID: Affects 15-11-278-008, 016, 001
MASTER PLAN: Westside
ZONING DISTRICT: M-1 (Light Manufacturing)

REQUEST: - A request by Maximillian Coreth of West End LLC, the applicant and surrounding property owner, for an alley vacation or closure. The alley is located near the address of 740 West 900 South, runs mid-block east/west, and was previously partially vacated in 1993. The subject alley is surrounded by the M-1 (Light Manufacturing) zoning district and is adjacent to 3 properties to the north, east, and south. The applicant, West End LLC, owns all three adjacent properties. The Planning Commission is required to transmit a recommendation to the City Council for alley vacation requests.

RECOMMENDATION: It is Planning Staff's opinion that the alley vacation meets the criteria for alley vacations, therefore recommends that the Planning Commission forward a favorable recommendation to the mayor to declare the alley surplus property and for the City Council to vacate the alley with one condition:

1. A public utility easement is submitted and recorded with the County at the time the alley is deeded to the surrounding property owners.
2. The parcel created by the alley vacation is consolidated with an adjacent property owned by West End LLC.

ATTACHMENTS:

- A. Applicant Submittal and Information
- B. Vicinity Map
- C. Aerial
- D. Site Photos

- E. Analysis of Standards
- F. Public Process and Comments
- G. Department Comments

PROJECT DESCRIPTION & BACKGROUND:

The subject alley is located near 740 West 900 South; the alley has not been used as a public access beyond accessing the adjoining property 739 West Genesee Avenue since 1993 or earlier. Ordinance 84 of 1993 vacated a portion and closed a portion of the subject alley along the properties located at 730, 712, 706 West 900 South, and 733, 723, 721, 717, 715, 707 West Genesee Avenue. Ordinance 84 of 1993 vacated and closed the previous alley through deeding the portion of the alley to a single adjoining property owner and consolidating the land to the adjoining lot, splitting the alleyway in half and deeding each half to the north or south adjoining property owner, or by creating a new parcel.

EXISTING CONDITIONS

Approx. Square Footage:	Approximately 480 Square Feet
Existing Improvements:	Asphalt
Existing Land Use:	Access to 739 W. Genesee Ave
Adjacent Land Uses:	Auto Repair; Single-Family Residential; Vacant
Adjacent Zoning:	M-1



The remaining portion of the alley – the western most portion of the east half of the alley, including approximately 480 square feet – was not included in the previous vacation or closure. The applicant is proposing to vacate or close the alley in order to redevelop the larger site owned by West End LLC, having recently been approved for an RDA loan for the proposed redevelopment project. The applicant is proposing, as part of the redevelopment of the site, to adaptively reuse the two existing brick structures and create a retail and restaurant mixed use space. As part of the redevelopment the applicant is also proposing to include a mid-block walkway on the current location of the subject alley in order to facilitate a public utility easement.

From visiting the site, it appears only a single parcel utilizes the existing alley. The alley presently provides access to 739 West Genesee Avenue, which is where an auto repair business resides. This property is owned by the company which made application, West End LLC.

KEY ISSUES:

Issue 1: Public Utility Easement

A sewer main runs along the length of the alley between 800 West and 700 West. If the alley is vacated an easement along the entire alley width will need to be reserved for Public Utilities to access any portion of the sewer main. A condition of positive recommendation is recommended by staff requiring that a public utility easement is recorded with the County at the time of the alley vacation.

DISCUSSION:

The alley closure has been reviewed against the standards for alley vacations located in Attachment E. In compliance with the applicable policies, the alley is not being used as a public alley and the vacation is supported by all the adjacent property owners. Further, City policies and the relevant Master Plan do not include any policies that would oppose the vacation of this alley.

NEXT STEPS:

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority with respect to alley vacations.

ATTACHMENT A: APPLICANT SUBMITTAL AND INFORMATION



SALT LAKE CITY PLANNING

LOCAL CONTACT:
TAM PERCY

Alley Vacation or Closure

OFFICE USE ONLY

Received By:

Date Received:

Project #:

PLNPCM249-00813 A Anglin

8/29/19

Project Name:

Cumming Sub.

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley:

See Requirement #3

Name of Applicant:

Maximilian Corbett Manager of West End LLC (owner)

Phone:

Address of Applicant:

106-740 W 900 S; 717-739 Genesee Ave

E-mail of Applicant:

[Redacted]

Cell/Fa:

[Redacted]

Applicant's Interest in Subject Property:

☒ Owner ☐ Contractor ☐ Architect ☐ Other:

Name of Property Owner abutting the alley (if different from applicant):

E-mail of Property Owner:

Phone:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

REQUIRED FEE

Filing fee of \$259
Plus additional fee for required public

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

[Signature]

Date:

08/27/19

SUBMITTAL REQUIREMENTS

Staff Review

☐

Please include with the application: (please attach additional sheet)

1. A letter explaining why you are requesting this alley vacation or closure.

☐

2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:

☐

a. Highlight the area of the proposed alley vacation or closure.

☐

b. Indicate with colored dot the property owners who support the petition.

☐

c. Submit one paper copy and a digital (PDF) copy of the map.

☐

3. A written description with measurements of the proposed alley vacation or closure.

- A final legal description prepared by a licensed engineer will be required later.

☐

4. The name, address and signatures of all abutting property owners who support the petition.

- Petition must include the signatures of no less than 80% of the abutting property owners.
- Signatures should be from the property owners and not from the property renters.
- You may use the form attached to this application or provide your own form with signatures.

WHAT IS AN ALLEY VACATION OR CLOSURE?


As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
3. Granting the petition will not result in any property being landlocked;
4. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;
5. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;
6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Maximilian Coreth, Manager
West End LLC
706-740 W 900 S; 717-739 Genesee Ave
Salt Lake City, UT 84104

August 28, 2019

To Whom It May Concern,

As owner of 706-740 W 900 South and 717-739 Genesee Avenue, I'd hereby like to apply for a closure of a portion of the alley which runs north to south between Genesee Avenue and 900 South (see map enclosed under Requirement #2). As owner of the parcels to the north, south and east of the alley portion, the original purpose of the portion, namely allowing garage access from the alley to multiple property owners, no longer applies in this case. Furthermore, we intend to redevelop the currently vacant commercial buildings to the northeast and southeast of this portion. As part of this redevelopment, we would like to provide parking and a vibrant mid-block walkway using the land we own to the north and south of this portion (the small parcels immediately west of the aforementioned buildings). Granting a closure of the alley portion would allow us to more readily reinvigorate this mid-block walkway by bringing commercial activity to the neighborhood and making it more pedestrian friendly. Thank you for your consideration. Please let us know if you have any questions.

Best,
Maximilian Coreth

PLEASE SEND MAILING CORRESPONDENCE TO:



(CARE OF IS NECESSARY FOR MAIL TO ARRIVE)



Requirement #3

The proposed alley closure is bounded by parcel 15112780010000 to the north (~32'), parcel 15112780160000 to the east (~15'), parcel 15112780080000 to the south (~32') and an alley to west (~15').

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant: Maximilian Coreth, Manager of West End LLC
 Address of Applicant: 706-740 W 900 South; 717-739 Genesee Ave
 Date: 6/27/19

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

<small>Print Name</small> <u>Maximilian Coreth,</u>	<small>Address</small> <u>706-740 W 900 S;</u>	<small>Signature</small> 	<small>Date</small> <u>06/27/19</u>
<small>Print Name</small> <u>West End LLC</u>	<small>Address</small> <u>717-739 Genesee Ave</u>	<small>Signature</small> 	<small>Date</small> <u>06/27/19</u>

<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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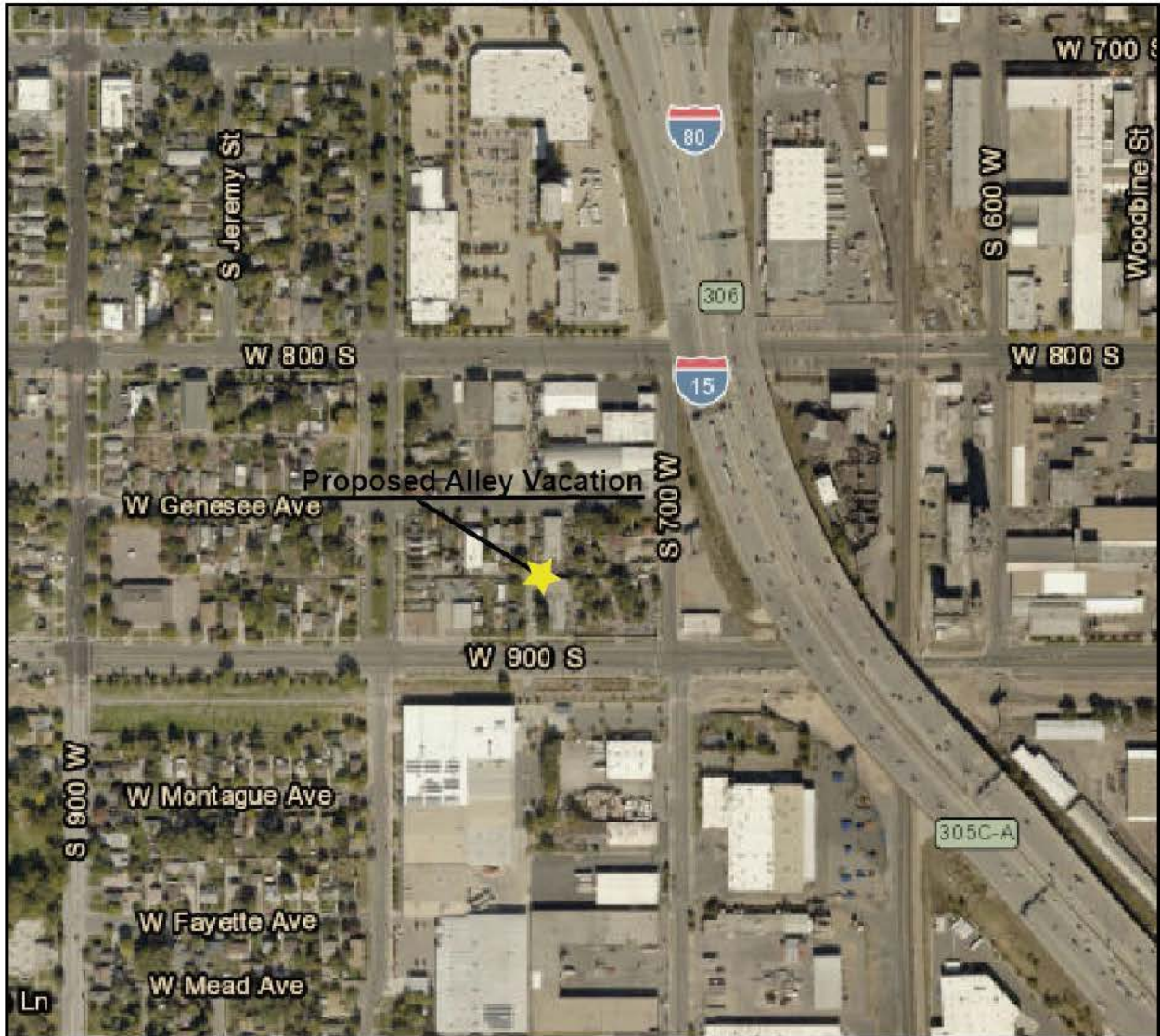
<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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ATTACHMENT B: VICINITY MAP



ATTACHMENT C: AERIALS



Aerial of Partial Block with Subject Alley Vacation Location, Looking North.



Aerial of Existing Public Alleys Highlighted in Orange, Looking South

ATTACHMENT D: SITE PHOTOS



View of Proposed Alley Vacation with Dimensions, Looking NE



View of Partial Alley Vacation and North/South Alley to Remain Public, Looking N.



View of North/South Alley to Remain Public, Looking S.



View of East/West Alley to Remain Public, Looking W.

ATTACHMENT E: ANALYSIS OF STANDARDS

Salt Lake City Code, Section 14.52: Disposition of City Owned Alleys

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When Evaluating requests to vacate public alleys, the City considers whether the continued use of the property as a public alley is in the City's best interest. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority with respect to alley vacations.

Section 14.52.020:

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

Criteria	Rationale	Finding
<p>A. Lack Of Use: The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an onsite inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;</p> <p>B. Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;</p> <p>C. Urban Design: The continuation of the alley does not serve as a positive urban design element; or</p> <p>D. Community Purpose: The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.</p>	<p>The continuation of the alley doesn't serve as a positive design element for the block between Genesee Avenue and 900 South.</p> <p>The approximate dimensions of the portion of the alley proposed to be vacated is 15' x 32', which doesn't facilitate any particular use to the neighborhood with the exception of the only present use of the alley, which is to allow access to the rear of the property located at 739 West Genesee Ave. However, by vacating the section of alley which allows for access to 739 West, it will not eliminate future access to the rear of this site. The alley running north/south through the block will remain and will facilitate any further access needed to the rear of the adjoining properties.</p> <p>While a sewer main runs the length of the alley requiring a public utilities easement will allow for facilities to still service the sewer main. Approving an alley vacation should not inhibit servicing the sewer main. As part of the easement, in order to comply with Public Utilities requirements, the alley will need to remain clear from any structure which may inhibit access. Staff has required this easement as a condition of approval.</p> <p>There are no other positive uses nor urban design elements resulting in maintaining this portion of the alley to remain open and public.</p>	<p>Complies – The continuation of the alley does not serve a positive design element for the community. The only use of this portion of the alley is accessing the rear of 739 West Genesee Ave. Vacating this portion of the alley will not alter 739 West Genesee access, nor will it alter public utility access to the sewer main if an easement is recorded. Vacating the alley will not negatively impact the street block but it will facilitate the future redevelopment of the site.</p> <p>The request satisfies one of the policy considerations as required by Section 14.52.02 of the Salt Lake City Code.</p>

Section 14.52.030B:

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

Factor	Rationale	Finding
1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;	Staff requested input from pertinent City Departments and Divisions. Comments were received and no objections from Fire, Transportation, or Police were provided. Public Utilities requires that a public utility easement is put in place to allow access to the sewer main. This utility easement is included as a condition of positive recommendation to the City Council.	Complies – The one issue pointed out by Public Utilities is addressed through a public utility easement. The applicant has agreed to implementing an access easement to service the sewer main.
2. The petition meets at least one of the policy considerations stated above;	The proposed alley vacation satisfies the “Urban Design” policy consideration of 14.52.020. See the discussion and findings on the previous page.	Complies - The request satisfies the policy considerations as required by Section 14.52.020.
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;	The alley is only being used by the property located at 739 West Genesee Ave. The property owner of 739 West Genesee Ave is West End LLC, the applicant. Vacating the alleyway will not eliminate access to the rear of this property as the north/south alley, which also provides access to the site, will remain.	Complies – The alley vacation will not deny access or required off street parking to any of the abutting property owners.
4. Granting the petition will not result in any property being landlocked;	All properties have street access and will not be landlocked if the alley is vacated.	Complies – The alley vacation will not result in any property

		being landlocked.
5. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the city, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;	<p>The Westside Master Plan addresses the importance of creating mid-block walkways on large city blocks. However, the subject alley does not facilitate the future creation of a mid-block walkway as the majority of the alley was previously vacated and only approximately 32 feet of the alley remains.</p> <p>Additionally, the location of the subject alley will be required to remain as open space as a public utility easement is required to be recorded on the site. Because the location of the present alley will be required to remain open the applicant has expressed the location being used as open space for the community in the future redevelopment of the site.</p>	Complies - The proposed alley vacation would not preclude or otherwise create an impediment to any plans for this block.
6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within twelve (12) months of issuance of the building permit;	There are no opposing abutting property owners. All abutting properties affected by the alley vacation are owned by the applicant, West End LLC	Complies – No abutting property owners have plans to build a garage that would require access from the alley.
7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and	The request is to close the remaining portion of a previously vacated alley. The remaining portion will include the rest of the alley on the east side of the block.	Complies – The proposed alley vacation would result in the remaining alley disposed in its entirety.
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.	The alley is only being used by the property at 739 West Genesee Ave. Vacating the alley will not affect access to the rear of this property as an adjacent alley will remain open and accessible.	Complies – The alley is not necessary for access.

Section 14.52.040:

If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low-density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code.

Finding: The abutting properties are zoned M-1 (Light Manufacturing) and are either vacant or commercial buildings, therefore the alley would be closed and sold for fair market value to the abutting property owners if the alley vacation is approved.

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on August 29, 2019.
- Notice of the proposal, and request for input, was provided to the Poplar Grove and Glendale Community Councils on September 24, 2019 but no comments were received from the neighborhood council within the comment period. No comments have been received as of the writing of this report.
- Early Notification mailings were sent out on September 24, 2019 to property owners and residents within 300' of all four corners of the alley location, at approximately 740 West 900 South. One comment supporting the alley vacation was received as of the writing of this report.
- An open house was held on October 17, 2019. Notices of the open house were sent to property owners within 300' of the alley. No comments were received during the open house.
- Public notice of the Planning Commission hearing was mailed to property owners and residents within 300' of the alley located at approximately 740 West 900 South.
- A public notice sign was posted at the entrance of the alley on November 26, 2019. No public comments were received before this report was finalized.

Larsen, Nannette

From: Jacob W. Seitz-Sampson [REDACTED]
Sent: Monday, October 7, 2019 5:54 PM
To: Larsen, Nannette
Subject: Cummings Subdivision Alley Vacate PLNPCM2019-00813

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nannette,

I received the mailer regarding the Alley vacation/closure referenced in the subject line. As a resident of the neighborhood [REDACTED], I endorse this closure if it does not interfere with residents' access to parking/garages. I will be unable to make the open house where this will be discussed and appreciate being able to reach out to you regarding this matter.

Jacob W. Seitz-Sampson
[REDACTED]

ATTACHMENT G: DEPARTMENT COMMENTS

Police Review: (*Scott Teerlink, scott.teerlink@slcgov.com*)

- The Police Department supports this request.

Building Review: (*Greg Mikolash, greg.mikolash@slcgov.com*)

- Building Services finds no zoning related issues associated with this proposed alley closure

Engineering Review: (*Scott Weiler, scott.weiler@slcgov.com*)

- City's Engineer's recommendation is that a benefit to the city needs to be demonstrated in order to justify the proposed alley closure.

Public Utilities Review: (*Jason Draper, jason.draper@slcgov.com*)

- Public Utilities objects to the vacation of the alley. There is a sewer main running along this alley between 700 West and 800 West. If vacation is granted (as it appears the portion to the east has been, an Easement must be reserved for public utilities across the entire alley width.

Zoning Review: (*Greg Mikolash, greg.mikolash@slcgov.com*)

- Building Services finds no zoning related issues associated with this proposed alley closure.

Property Management: (*Shellie Finan, shellie.finan@slcgov.com*)

- I met with Max and had a discussion regarding the alley closure, I didn't foresee any issues on this one.

Fire Review: (*Ted Itchon, ted.itchon@slcgov.com*)

- Fire has no concerns on the alley vacation.

3. PLANNING COMMISSION
C. Agenda & Minutes
December 11, 2019

**SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
AMENDED**

**In Room 326 of the City & County Building
December 11, 2019, at 5:30 p.m.**

(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

1. **OPMA Training** – A representative from the City Attorney's office will conduct a training on the Open and Public Meeting Act.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR NOVEMBER 13, 2019

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

The Planning Commission will hear a presentation by Ted Knowlton from the Wasatch Front Regional Council regarding Wasatch Choices and what it means for Salt Lake City. Wasatch Choice (Wasatch Choice) is the shared regional vision for long-term transportation investments, development patterns and economic opportunities. It has been built from the ground up through collaboration between cities, towns, and counties across the Greater Wasatch Front, facilitated by Wasatch Front Regional Council and Mountainland Association of Governments. Overall it answers the questions: what the key quality of life goals we want to achieve together, what are the key strategies to achieve them, and how might we organize those strategies geographically. For the cities that have been involved, Wasatch Choice may also help in keeping broad goals and issues in mind as local decisions are considered.

PUBLIC HEARINGS

1. **942 South 900 East ADU** - Andrea Palmer of Modal Living Inc, on behalf of the owner, Kimberlee Lofthouse, is seeking Conditional Use approval for an Accessory Dwelling Unit (ADU) in a detached accessory structure located in the southwest corner of the rear yard of the home located at 942 South 900 East. The ADU will measure approximately 32' wide by 13' 6" inches deep by 11'3" high with square footage of approximately 432'. Salt Lake City Zoning Ordinance section 21A.33.020: Table of Permitted and Conditional uses for Residential Districts, requires ADUs be reviewed as a conditional use within single-family residential zoning districts. The subject property is zoned R-1/5,000: Single-Family Residential and is located within Council District 5, represented by Erin Mendenhall. (Staff contact: Chris Lee at (801) 535-7706 or christopher.lee@slcgov.com) **Case number PLNPCM2019-00651**
2. **Special Exception for an Over-Height Fence at approximately 762 West 1355 South** - Wayne Gordon, architect representing the property owner, is requesting Special Exception approval for an over-height fence in the front yard of the property located at approximately 762 West 1355 South. The proposed six-foot (6') high chain-link fence would be along the

front property line and driveway approach. By ordinance, fences are limited to four (4) feet in height in the front yard. The applicant is proposing the additional fence height for increased security and crime deterrence, such as trespassing, theft, and vagrancy. The subject property is zoned M-1 (Light Manufacturing) and is located within Council District 2, represented by Andrew Johnston. (Staff Contact: Linda Mitchell at (801) 535-7751 or linda.mitchell@slcgov.com) **Case number PLNPCM2019-00852**

3. **Alley Vacation at approximately 740 West 900 South** - A request by West End LLC, the applicant and surrounding property owner, for an alley vacation or closure. The alley is located near the address of 740 West 900 South, runs mid-block, east/west, and was previously partially vacated in 1993. The subject alley is surrounded by the M-1 (Light Manufacturing) zoning district and is located within Council District #2, represented by Andrew Johnston. (Staff Contact: Nannette Larsen at (801) 535-7645 or nannette.larsen@slcgov.com) **Case number PLNPCM2019-00813**
4. **Fleet Block Zoning Map and Text Amendment** - A request by the Mayor to amend the text of the zoning ordinance and amend the zoning map for all of the properties located on the City block known as the "Fleet Block" at approximately 850 S 300 West. The "Fleet Block" is located between 800 and 900 South and 300 and 400 West. The text amendment would create a new zone in the City Zoning Ordinance, titled Form Based Urban Neighborhood 3 (FB-UN3). The map amendment would change the zoning of the properties from PL (Public Lands) and CG (General Commercial) to the FB-UN3 zone. The FB-UN3 zone would apply new design, height, bulk, use, and other development standards to the properties. Related provisions of Title 21A Zoning may be amended as part of this petition. The properties are located within Council District 4, represented by Ana Valdemoros. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com) **Case number PLNPCM2019-00277**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived and may be viewed at www.slctv.com. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, December 11, 2019

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:34:06 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Adrienne Bell; Vice Chairperson Brenda Scheer; Commissioners Maurine Bachman, Amy Barry, Matt Lyon, Darin Mano, Andres Paredes, and Sara Urquhart. Commissioners Jon Lee, and Sara Urquhart were excused.

Planning Staff members present at the meeting were John Anderson, Planning Manager; Paul Nielson, Attorney; Chris Lee, Principal Planner; Linda Mitchell, Principal Planner; Nannette Larsen, Principal Planner; Daniel Echeverria, Senior Planner; and Marlene Rankins, Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Weston Clark, Carolyn Hoskins, Darin Mano, and Brenda Scheer. Staff members in attendance were John Anderson, Linda Mitchell, Nannette Larsen, Daniel Echeverria, and Chris Lee.

[6:50:18 PM](#)

Alley Vacation at approximately 740 West 900 South - A request by West End LLC, the applicant and surrounding property owner, for an alley vacation or closure. The alley is located near the address of 740 West 900 South, runs mid-block, east/west, and was previously partially vacated in 1993. The subject alley is surrounded by the M-1 (Light Manufacturing) zoning district and is located within Council District #2, represented by Andrew Johnston. (Staff Contact: Nannette Larsen at (801) 535-7645 or nannette.larsen@slcgov.com) **Case number PLNPCM2019-00813**

Nannette Larsen, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a favorable recommendation to the Mayor to declare the alley surplus property and for City Council to vacate the alley with the condition listed in the staff report.

The Commission and Staff discussed the following:

- Clarification on condition
- Clarification on why a consolidated property is better than a small property

Max Coreth, applicant, provided further details regarding the proposal.

Ian Percy, representing the applicant, discussed and presented conceptual drawings for the redevelopment of the surrounding property which would include the subject alley.

The Commission, Staff and Applicant discussed the following:

- Clarification on who owns the current vacant properties
- Clarification on why the alley needs to be vacated if there's a requirement for a public use

PUBLIC HEARING [7:02:06 PM](#)

Chairperson Bell opened the Public Hearing; seeing no one wished to speak; Chairperson Bell closed the Public Hearing.

MOTION [7:02:47 PM](#)

Commissioner Lyon stated, based on the findings listed in the staff report, I move that the Planning Commission forward a positive recommendation to the Mayor and to the City Council for the petition PLNPCM209-00813 regarding the Cummings Subdivision Alley Vacation, to declare the alley surplus property and to vacate the alley with the condition listed in the staff report.

Commissioner Clark seconded the motion. Commissioners Mano, Paredes, Hoskins, Bachman, Barry, Scheer, Clark and Lyon voted "Aye". The motion passed unanimously.

4. PETITION SUBMITTED BY APPLICANT



Alley Vacation or Closure

LOCAL CONTACT:

OFFICE USE ONLY

Received By:	Date Received:	Project #:
PLNPCM249-00813 A Anglin	8/29/19	
Project Name:	Cumming Sub	

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley:	See Requirement #3		
Name of Applicant:	Maximilian Corbett Manager of West End LLC (owner)	Phone:	
Address of Applicant:	106-740 W 900 S; 717-739 Genesee Ave		
E-mail of Applicant:		Cell/F:	
Applicant's Interest in Subject Property: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other:			
Name of Property Owner abutting the alley (if different from applicant):			
E-mail of Property Owner:		Phone:	

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address:	Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person:	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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REQUIRED FEE

- Filing fee of \$259
- Plus additional fee for required public

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
	08/27/19

SUBMITTAL REQUIREMENTS

Staff Review

☐

Please include with the application: (please attach additional sheet)

1. A letter explaining why you are requesting this alley vacation or closure.

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2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:

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a. Highlight the area of the proposed alley vacation or closure.

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b. Indicate with colored dot the property owners who support the petition.

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c. Submit one paper copy and a digital (PDF) copy of the map.

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3. A written description with measurements of the proposed alley vacation or closure.

- A final legal description prepared by a licensed engineer will be required later.

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4. The name, address and signatures of all abutting property owners who support the petition.

- Petition must include the signatures of no less than 80% of the abutting property owners.
- Signatures should be from the property owners and not from the property renters.
- You may use the form attached to this application or provide your own form with signatures.

WHAT IS AN ALLEY VACATION OR CLOSURE?


As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
3. Granting the petition will not result in any property being landlocked;
4. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;
5. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;
6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Maximilian Coreth, Manager
West End LLC
706-740 W 900 S; 717-739 Genesee Ave
Salt Lake City, UT 84104

August 28, 2019

To Whom It May Concern,

As owner of 706-740 W 900 South and 717-739 Genesee Avenue, I'd hereby like to apply for a closure of a portion of the alley which runs north to south between Genesee Avenue and 900 South (see map enclosed under Requirement #2). As owner of the parcels to the north, south and east of the alley portion, the original purpose of the portion, namely allowing garage access from the alley to multiple property owners, no longer applies in this case. Furthermore, we intend to redevelop the currently vacant commercial buildings to the northeast and southeast of this portion. As part of this redevelopment, we would like to provide parking and a vibrant mid-block walkway using the land we own to the north and south of this portion (the small parcels immediately west of the aforementioned buildings). Granting a closure of the alley portion would allow us to more readily reinvigorate this mid-block walkway by bringing commercial activity to the neighborhood and making it more pedestrian friendly. Thank you for your consideration. Please let us know if you have any questions.

Best,
Maximilian Coreth

PLEASE SEND MAILING CORRESPONDENCE TO:



(CARE OF IS NECESSARY FOR MAIL TO ARRIVE)





Requirement #3

The proposed alley closure is bounded by parcel 15112780010000 to the north (~32'), parcel 15112780160000 to the east (~15'), parcel 15112780080000 to the south (~32') and an alley to west (~15').

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant: Maximilian Coreth, Manager of West End LLC
 Address of Applicant: 706-740 W 900 South; 717-739 Genesee Ave
 Date: 6/27/19

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

<small>Print Name</small> <u>Maximilian Coreth,</u>	<small>Address</small> <u>706-740 W 900 S;</u>	<small>Signature</small> 	<small>Date</small> <u>06/27/19</u>
<small>Print Name</small> <u>West End LLC</u>	<small>Address</small> <u>717-739 Genesee Ave</u>	<small>Signature</small> 	<small>Date</small> <u>06/27/19</u>

<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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<small>Print Name</small>	<small>Address</small>	<small>Signature</small>	<small>Date</small>
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5. MAILING LIST

Resident	747 W 800 S	Salt Lake City	UT	84104
EFRAIN CABRERA	837 S 800 W	Salt Lake City	UT	84104
Resident	756 W GENESEE AVE	Salt Lake City	UT	84104
ASHMENT & PASILLAS LLC	830 S 700 W	Salt Lake City	UT	84104
4B PROPERTIES, LLC	748 W GENESEE AVE	Salt Lake City	UT	84104
ANITRA M WEBBER	853 S 800 W	Salt Lake City	UT	84104
MICHAEL J HOPPER; HERMELINDA G HOPPER (JT)	865 S 800 W	Salt Lake City	UT	84104
JIMMY FERNANDEZ	869 S 800 W	Salt Lake City	UT	84104
BRITT K VELTRI	871 S 800 W	Salt Lake City	UT	84104
Resident	875 S 800 W	Salt Lake City	UT	84104
Resident	792 W 900 S	Salt Lake City	UT	84104
ARLINE STONE; TRACY BUTTERFIELD; JACOB BUTTERFIELD; IRENE MARTIN;	763 W GENESEE AVE	Salt Lake City	UT	84104
Resident	757 W GENESEE AVE	Salt Lake City	UT	84104
GENESEE, LLC	755 W GENESEE AVE	Salt Lake City	UT	84104
LINNUS WEGE	751 W GENESEE AVE	Salt Lake City	UT	84104
ROSA M VEGA	756 W 900 S	Salt Lake City	UT	84104
JESUS CHACON; RAQUEL CHAVEZ (JT)	750 W 900 S	Salt Lake City	UT	84104
Resident	748 W 900 S	Salt Lake City	UT	84104
Resident	746 W 900 S	Salt Lake City	UT	84104
Resident	766 W 900 S	Salt Lake City	UT	84104
LINDA M BEDDICK	851 S 800 W	Salt Lake City	UT	84104
LAWRENCE H IV FRAMME	847 S 800 W	Salt Lake City	UT	84104
HENRY FERREYRA	767 W GENESEE AVE	Salt Lake City	UT	84104
Resident	765 W GENESEE AVE	Salt Lake City	UT	84104
Resident	855 S 800 W	Salt Lake City	UT	84104
Resident	857 S 800 W	Salt Lake City	UT	84104
Resident	739 W GENESEE AVE	Salt Lake City	UT	84104
Resident	733 W GENESEE AVE	Salt Lake City	UT	84104
Resident	723 W GENESEE AVE	Salt Lake City	UT	84104
Resident	721 W GENESEE AVE	Salt Lake City	UT	84104
Resident	717 W GENESEE AVE	Salt Lake City	UT	84104
TEODORO NAVA; SOCORRO ALATORRE (JT)	715 W GENESEE AVE	Salt Lake City	UT	84104
Resident	740 W 900 S	Salt Lake City	UT	84104
Resident	712 W 900 S	Salt Lake City	UT	84104
Resident	706 W 900 S	Salt Lake City	UT	84104

Resident	730 W 900 S	Salt Lake City	UT	84104
Resident	733 W GENESEE AVE	Salt Lake City	UT	84104
Resident	710 W 900 S	Salt Lake City	UT	84104
SUMMUM OF SALT LAKE CITY	707 W GENESEE AVE	Salt Lake City	UT	84104
Resident	755 W 900 S	Salt Lake City	UT	84104
JLC AUTO SALES, LLC	16 E KENSINGTON AVE	SALT LAKE CITY UT		84115
4B PROPERTIES, LLC	748 W GENESEE AVE	SALT LAKE CITY UT		84104
ROBERT G MAY; DRM TR	729 S KILBY CT	SALT LAKE CITY UT		84101
TRUST NOT IDENTIFIED	2251 E ALVA CIR	SALT LAKE CITY UT		84109
PETER R VIOLETTE; ALANA C VIOLETTE (JT)	1576 ELVADO DRWAY #6	SIMI VALLEY CA		93065
J & B PROPERTIES UTAH 2 LLC	729 S KILBY CT	SALT LAKE CITY UT		84101
ARLINE STONE; TRACY BUTTERFIELD; JACOB BUTTERFIELD; IRENE MARTIN;	763 W GENESEE AVE	SALT LAKE CITY UT		84104
RFG 1 LLC	PO BOX 17232	SALT LAKE CITY UT		84117
WEST END LLC	345 E BROADWAY ST	SALT LAKE CITY UT		84111
WEST END LLC	205 HUDSON ST	NEW YORK NY		10013
SALT LAKE CO	PO BOX 144575	SALT LAKE CITY UT		84114
SALT LAKE CITY CORPORATION	PO BOX 145460	SALT LAKE CITY UT		84114